



Ethics Committee

Time and Date

10.00 am on Thursday, 28 March, 2019

Place

Committee Room 3, Council House, Coventry

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
 - a) To agree the Minutes of the previous meeting held on 10 January, 2019
 - b) Any matters arising
4. **Committee on Standards in Public Life: Report on Local Government Ethical Standards** (Pages 9 - 16)

Report of the Director of Finance and Corporate Services

Group Leaders, Deputy Leaders and Group Whips have been invited to attend for consideration of this item.
5. **Ethics Committee Work Programme 2018/19** (Pages 17 - 22)

Report of the Director of Finance and Corporate Services
6. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive, Place, Council House Coventry

Wednesday, 20 March 2019

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7683 3072 Email: suzanne.bennett@coventry.gov.uk

Membership: Councillors A Andrews, L Bigham, D Gannon, J Mutton and S Walsh

Named Substitutes: Councillors R Bailey and M Mutton

Independent Persons: S Atkinson, A Barton, R Wills and P Wiseman

By Invitation: Councillor A S Khan, G Duggins, G Ridley, K Taylor

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Suzanne Bennett

Telephone: (024) 7683 3072

Email: Suzanne.bennett@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 10
January 2019

Present:

Members: Councillor S Walsh (Chair)
Councillor A Andrews
Councillor L Bigham
Councillor J Mutton
Councillor M Mutton (named substitute for Councillor D Gannon)

Independent Persons S Atkinson
A Barton
R Wills
P Wiseman

Employees (by Directorate):

Place: S Bennett, C Bradford, S Harriott, J Newman
S Bennett, C Bradford, C Bradford, Place Directorate
J Newman, Resources Directorate S Harriott, J Newman

Apologies: Councillor D Gannon

Public Business

24. Declarations of Interest

There were no declarations of interest.

25. Minutes

The Minutes of the meeting held on 6 November, 2018 were agreed and signed as a true record, subject to a typographical error in Minute 16, where the word "eights" was replaced by the word "rights".

The Committee reiterated their thanks to Ruth Wills for Chairing the meeting held on 6 November, 2019 for the two matters relating to Complaints (Minutes 15 and 16 refer)

26. Code of Conduct Update

The Committee received and noted a report of the Director of Finance and Corporate Services which updated the Committee on national issues in relation to the ethical behaviour of elected members and the local position in respect of Code of Conduct issues.

27. **Committee on Standards in Public Life - Annual Report for Members for 2017-18**

The Committee considered a report of the Director of Finance and Corporate Services which outlined matters raised in the Annual Report for 2017-18 of the Committee on Standards in Public Life (CSPL) and which informed the Committee of relevant matters of concern in their work area on a national level.

In particular, the CSPL had undertaken and been involved in the following 4 key pieces of work:-

- A review of intimidation in public life with particular reference to the experience of Parliamentary candidates at the 2017 General Election
- MP's outside interests
- The continuing importance of Ethical Standards for public service providers
- Local Government Ethical Standards

RESOLVED:-

(1) That the report be noted.

(2) That the Monitoring Officer be requested to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level including the proposed review of local standards by the Committee for Standards in Public Life.

28. **Review of Ethical Standards in Parish Councils**

The Committee considered a report of the Director of Finance and Corporate Services which provided a review of ethical standards in the three parish Councils in the City, Allesley, Finham and Keresley.

The report outlined the status and functions of parish councils and with regard to the three Coventry parish Council's, provided the following information in relation to each:-

- Number of seats on Council
- Number of Councillors (as at 20/11/18)
- Members' or Chair's allowance (where appropriate)
- Funding for 2018/19
- Precept charge per Band D property

The role of the Monitoring Officer and of the City Council itself in the operation of parish councils is limited. The Monitoring Officer is required to publish the register of interest of parish councillors and to deal with complaints about parish councillors under their code of conduct. In all other areas of ethical standards and governance the Monitoring Officer, and the City Council, can only advise parish councils on good practice and cannot require them to take a particular course of action. How the parish council operates is a matter for the parish council. As the

information provided by the parish clerks about their governance arrangements does not vary much from year to year, the Monitoring Officer has conducted a table top exercise to check what information is available to the public on the parish websites.

The report detailed each parish councils' ethical standards in relation to the following, together with the Monitoring Officer's conclusions and recommendations on this matter:-

- Adoption of the Code of Conduct
- Completion and Review of Register of Disclosable Pecuniary Interests
- Declaration of Interests at meetings
- Standing Orders
- Publication of meeting dates, agendas, reports and minutes on websites
- Complaints about parish councillors
- Public engagement with parish councils

In addition the report indicated the situation in relation to Keresley Parish Council where, as a result of the resignation of a number of parish councillors and the clerk to the parish, the City Council had made an Order under Section 91 of the Local Government Act 1972 appointing Councillor R Weaver as a temporary Councillor until such time new councillors could be elected. Councillor Weaver, Chair of the Meriden Parish Council, worked with the remaining parish councillors and City Council officers to get the parish council into a position where it was able co-opt three new Councillors. The Clerk to Meriden Parish Council, Barbara Bland, acted as locum clerk to the parish council. Councillor Weaver has continued to work with and mentor the members of Keresley Parish Council and her help in establishing and executing the remedial action needed to be taken to get the parish council back on track has been invaluable. Mrs Bland had also agreed to carry on as locum clerk and it was hoped that the parish council would be able to appoint to this vital role in the near future.

RESOLVED:-

- (1) That the report be noted**
- (2) That the Monitoring Officer be requested to continue to offer any suggestions to the parish clerks on where their good practice on ethical standards might be further improved; and**
- (3) That the Committee places on record it's appreciation for the work carried out by Councillor Weaver and Mrs Bland in helping and advising Keresley Parish Council.**

29. **Review of Guidance on Gifts and Hospitality for Members**

Further to Minute 9/18, the Committee considered a report of the Director of Finance and Corporate Services which set out the current guidance for elected members on the acceptance of gifts and hospitality. The guidance, which was appended to the report, had been in place since 2014. The Committee commended the Draft Quick Guide to Gifts and Hospitality, which was also appended to the report, which they felt was extremely helpful and user friendly.

In particular, the Committee were asked to consider whether:-

- a. It wishes to alter the financial threshold for the declaration of gifts and hospitality (currently £25)
- b. The register of declarations should be made available on line
- c. Members should be required to declare offers made but not accepted
- d. Members should be required to seek the approval of the Monitoring Officer or Deputy Monitoring Officer before acceptance of the gift or hospitality.

The Committee discussed this matter, noting the comparative information provided in the report in relation to the financial threshold with other West Midlands/Warwickshire Councils.

In relation to c) and d) above, the Committee decided not to consider these options further. In relation to a) above the Committee requested further information on financial thresholds, including an analysis of what is currently being declared. With regard to b) above the Committee indicated that providing an on line register of the acceptance of gifts and hospitality would be consistent with the register of declarations of interest which is currently provide on line.

RESOLVED that the officers be requested to submit a report to the next meeting reviewing the rules for acceptance and declaration of gifts and hospitality, to include the information requested by the Committee as detailed above.

30. **Review of Guidance on Declarations of Interest**

Further to Minute 21/18 the Committee considered a report of the Director of Finance and Corporate Services which outlined work being undertaken on revisions to the online FAQs on the registration of interests by elected members and on the registration of interests, together with a step by step guide to the declaration of interests. It is intended that the new guidance will be available for the start of the 2019/2020 Municipal Year and will be incorporated into training provided for newly elected and existing Councillors.

RESOLVED that the Monitoring Officer be requested to bring a draft step by step guide to the declaration of members' interests and revised FAQs on the registration of interests to the next meeting of the Committee.

31. **Work Programme for the Ethics Committee 2018-19**

The Committee noted their Work Programme for 2018/19.

32. **Any Other Items of Public Business - Members' Training**

The Committee's views were sought in relation to suggestions for Members' training.

The Committee discussed the Social Media Protocol which they had previously approved (Minute 4/18 refers) and indicated that this should be launched to all current Members and candidates for the May local election in February 2019 and should also be included in the training for all newly elected Councillors later in the year.

(Meeting closed at 10.40 am)

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Ethics Committee

28 March 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Report on Local Government Ethical Standards

Is this a key decision?

No

Executive Summary:

The Committee on Standards in Public Life (CSPL) issued its report on Local Government Ethical Standards at the end of January 2019. The report is over 100 pages long and puts forward 26 recommendations for changes to the current regime. The bulk of the recommendations would require a change in the law.

The CSPL recognises that it could take some time to find parliamentary time to enable these recommendations to be enacted. It has, however, also put forward a set of fifteen recommendations of “best practice” which it feels that local authorities could look at implementing immediately without waiting for a change in the law.

The CSPL report will be the subject of a presentation by the Monitoring Officer and the Committee will be asked to consider the Best Practice recommendations in the context of setting its work programme for 2019/20.

Recommendations:

The Ethics Committee is recommended to

- (1) Consider the Best Practice recommendations of the Committee on Standards in Public Life; and
- (2) Request the Monitoring Officer to draw up a work programme for 2019/20 based on the Best Practice recommendations.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Committee on Standards in Public Life: Report on Local Government Ethical Standards

1. Context (or background)

1.1 The Committee on Standards in Public Life ('the CSPL') was set up in 1995. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest.

1.2 The CSPL published its long awaited report on Local Government Ethical Standards on 30 January 2019. A link to the report can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

1.3 The report is over 100 hundred pages long and includes 26 recommendations, almost all of which would require a change in the law. A list of these recommendations can be found at page 14 of the report. The CSPL acknowledges that it could take some time for parliamentary time to be found to implement all if the recommended changes. However, it has also set out fifteen “best practice” recommendations which it considers that local authorities could implement immediately without waiting for a change in the law.

2 Options considered and recommended proposal

2.1 The CSPL report will be the subject of a presentation by the Monitoring Officer which will set out, in brief, the recommendations in the report. The Ethics Committee will be asked to consider the Best Practice recommendations in more detail and to decide whether it wishes to incorporate work arising from these recommendations into its work programme for 2019/20.

2.2 To assist the Committee, the Best Practice recommendations are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities

should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

2.3 Recommendations:

The Ethics Committee is recommended to

- (1) Consider the Best Practice recommendations of the Committee on Standards in Public Life; and
- (2) request the Monitoring Officer to draw up a work programme for 2019/20 based on the Best Practice recommendations.

3. Results of consultation undertaken

There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

The timetable for implementing any decisions will be determined by the Committee.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the CSPL report are that the Ethics Committee may wish to continue to monitor how the review into local government standards progresses.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework is not perceived as transparent and effective.

6.3 What is the impact on the organisation?

There is no immediate impact on the organisation.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: 024 7697 7271 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	12/03/19	18/03/19
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place		
Julie Newman	City Solicitor and Monitoring	Place	12/03/19	18/03/19

	Officer			
Barry Hastie	Director of Finance and Corporate Services	Place	12/03/19	18/03/19
Cllr Walsh	Chair, Ethics Committee		12/03/19	18/03/19

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Public report Ethics Committee

Ethics Committee

28 March 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2019/20

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2019/20. The Committee is asked to consider the draft work programme and make any suggestions for additional or alternative reports, taking into account any work generated by its consideration of the CSPL's report on Local Government Ethical Standards earlier on the agenda for this meeting.

Recommendations:

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate, taking into account any work generated by its consideration of the CSPL's report on Local Government Ethical Standards earlier on the agenda for this meeting.

List of Appendices included:

Work programme

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Draft Work Programme 2019/20

1. Context (or background)

1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches a proposed programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members.

1.2 The Committee's draft work programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft work programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on. In particular, beyond the regular reports which the Committee receives each year, no additional topics have been added to allow the Committee scope to include matters arising from the earlier agenda item on the CSPL report on Local Government Ethical Standards.

2. Options considered and recommended proposal

2.1 The work programme includes regular items on:

- Code of Conduct/ Monitoring Officer Update
- Declarations of gifts and hospitality by members and officers
- Ethical standards in parish councils
- Annual report to full Council
- SPL annual report

2.2 In addition it is suggested that the Ethics Committee factor into the work programme the two reviews of members' gifts and hospitality and declaration of interests, taking into account the recommendations of the CSPL report on these points and any work it wishes to undertake arising from its consideration of the CSPL report elsewhere on the agenda.

2.3 Recommendation

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate, taking into account any work generated by its consideration of the CSPL's report on Local Government Ethical Standards earlier on the agenda for this meeting.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

4.1 Not applicable

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

If implemented, the work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal and Democratic Services

Directorate: Place

Tel and email contact: 024 7697 7271 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	12/03/19	18/03/19
Names of approvers for submission: (officers and members)				
Finance: Graham Clark		Place	12/03/19	
Legal: Julie Newman	Legal Services Manager	Place	12/03/19	18/03/19
Director: Barry Hastie	Director of Finance and Corporate Services	Place	12/03/19	18/03/19
Cllr Walsh	Chair: Ethics Committee		12/03/19	12/03/19

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Appendix 1

Work Programme for the Municipal year 2019/2020

Meeting no. and date	Topics
2019/20	
1. July 2019	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Annual Report of the Committee
	Code on Good Practice on Planning Matters Update
	Officers Gifts and Hospitality -Inspection of Registers for second 6 months of 2018. (Held over from 2018/19)
	Members Gifts and Hospitality -Inspection of Registers for second 6 months of 2018. (Held over from 2018/19)
	Work Programme 2018/19
2. September 2019	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2019.
	Members Gifts and Hospitality -Inspection of Registers for first 6 months of 2019.
	Standards in Public Life- update from national body usually published in August each year.
	Work Programme 2018/19
3. December 2019	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Annual review of Parish Councils ethical standards regime.
	Work Programme 2018/19
4. March 2020	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2019.
	Members Gifts and Hospitality -Inspection of Registers for last 6 months of 2019.
	Work Programme 2020/21